

Message Text

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67

ACTION SS-25

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O R 032110Z FEB 76

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC IMMEDIATE 2302

INFO SECDEF WASHDC IMMEDIATE ZFF

AMEMBASSY ATHENS

AMEMBASSY NICOSIA

AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

USMISSION NATO

DIRNSA WASHDC

USNMR SHAPE

CINCUSAFE

CINCEUR

USDOCOSOUTH NAPLES

CINCUSAREUR

CINCUSNAVEUR LONDON

S E C R E T ANKARA 0919

EXDIS

MILITARY ADEES HANDLE AS SPECAT EXCLUSIVE

E.O.11652: XGDS-3 INDEFINITE

TAGS: MASS, MARR, PFOR, TU

SUBJECT: BASE NEGOTIATIONS: ASSISTANCE AND DURATION/TERMINATION

REFS: A) STATE 24480, B) STATE 25892

1. AS WASHINGTON INSTRUCTIONS ON OTHER OUTSTANDING
ISSUES HAD NOT BEEN RECEIVED, THE NEGOTIATING SESSION
TODAY (FEB. 3) WITH MFA SEC GEN ELEKDAG WAS LIMITED TO
DISCUSSION OF TURKISH ASSISTANCE AND DURATION/TERMINATION
ARTICLES. I PRESENTED IN DETAIL MOST OF THE ARGUMENTS
PROVIDED REFS A AND B. SOME PROGRESS WAS MADE IN

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NARROWING GAPS BUT SUBSTANTIAL DIFFERENCES REMAIN.

2. ELEKDAG AGAIN EMPHASIZED THAT GOT COULD NOT ACCEPT REFERENCE IN PARA 1 OF ARTICLE XX TO "RELEVANT AGREEMENTS IN FORCE BETWEEN THE PARTIES INCLUDING THAT OF JULY 12, 1947" AND ARGUED ONCE AGAIN THAT THIS WAS NOT NEEDED BY U.S. HE AND AMBASSADOR YAVUZALP, WHO FLANKED HIM, STATE THAT THE TERM "RELEVANT AGREEMENTS" COULD COVER CERTAIN AGREEMENTS THAT THE GOT CONSIDERED INVALID AND THE USG CONSIDERED VALID. WE POINTED OUT THAT AGREEMENTS THE VALIDITY OF WHICH WERE IN DISPUTE DID NOT CONCERN ASSISTANCE AND OBTAINED ONCE AGAIN ELEKDAG'S CONFIRMATION THAT THE JULY 12, 1947 AGREEMENT IS RECOGNIZED AS LEGALLY VALID BY THE GOT. ELEKDAG ADDED, HOWEVER, THAT HE COULD NOT ACCEPT EVEN A REFERENCE TO THAT AGREEMENT ALONE. I AGAIN STRESSED THAT WE REQUIRED FOR CONGRESSIONAL AND LEGAL PURPOSES SOME FORMULA SHOWING THAT THIS ASSISTANCE WOULD BE WITHIN THE FRAMEWORK OF OUR EXISTING LEGISLATION, AND PROPOSED FORMULA OF SUBJECTING ASSISTANCE TO THE "APPLICABLE LAWS OR LEGAL REQUIREMENTS OF THE TWO GOVERNMENTS" IN ACCORDANCE WITH REF B. BOTH ELEKDAG AND YAVUZALP STATED THAT LATTER FORMULATION WAS MORE OBJECTIONABLE THAN OUR ORIGINAL LANGUAGE. COMMENT: I WOULD MOST APPRECIATE RECEIVING ANY FURTHER ARGUMENTS WASHINGTON MIGHT PROVIDE OUTLINING IN DETAIL OUR LEGAL AND CONGRESSIONAL NEEDS FOR A REFERENCE IN THIS ARTICLE TO EXISTING AGREEMENTS. I SUSPECT, HOWEVER, THAT ELEKDAG WILL NOT RPT NOT CONCEDE ON THIS ISSUE AND THAT IT WILL, THEREFORE, BE REFERRED TO THE WASHINGTON MEETING.

3. AS REGARDS FIRST PARAGRAPH OF ARTICLE XX(2), ELEKDAG AGREED TO OMIT "CONSISTENT WITH ARTICLE XXII OF THIS AGREEMENT". WHEN I THEN OFFERED TO ACCEPT TURKISH "DEFENSE SUPPORT" IN LIEU OF U.S. "ASSISTANCE," ELEKDAG AGREED BUT SAID THIS DIFFERENCE IN LANGUAGE WAS OF LITTLE IMPORTANCE TO GOT. ELEKDAG CLEARLY UNDERSTOOD THE POINTS I MADE REGARDING SPECIFYING GRANT LEVEL, DID NOT RPT NOT REITERATE TURKISH ARGUMENTS OF THIS POINT, BUT SIMPLY ASKED THAT THE

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LAST SENTENCE OF THIS PARAGRAPH BE TAKEN INTO TURKISH BRACKETS. HE INDICATED THIS REMAINS A MAJOR PROBLEM.

4. ELEKDAG STATED THAT HE UNDERSTOOD POINTS I MADE ON PARAGRAPH TWO OF ARTICLE XX(2) REGARDING INTEREST RATES, BUT STRESSED THAT SOME GUARANTEE OF LOAN TERMS MORE FAVORABLE THAN THOSE PREVAILING ON THE COMMERCIAL MARKET WAS REQUIRED TO WARD OFF TURKISH DOMESTIC POLITICAL CRITICISM.

AFTER FURTHER EFFORT ON MY PART TO
PERSUADE HIM TO DROP THIS PARAGRAPH HAD FAILED, I
STATED IN ACCORDANCE PARA 2 REF B THAT WE WOULD
CONSIDER POSSIBILITY OF SOME LANGUAGE TO SATISFY
TURKISH CONCERNS BUT THAT THIS WOULD REQUIRE TIME.

5. I NOTED THAT WE HOPED TO HAVE A REVISION OF OUR
PARAGRAPH XX(2) FOR TOMORROW'S MEETING (FEB 4)
AND RESERVED MOST OF MY ARGUMENTS ON THIS SUBJECT FOR
THAT TIME. COMMENT: I HOPE WASHINGTON CAN PROVIDE
CLEARED TEXT BEFORE TOMORROW'S MEETING, WHICH IS
SCHEDULED FOR 1600 HOURS, 0900 WASHINGTON TIME).

6. IN PARAGRAPH 3, ELEKDAG AGREED TO REPLACE
"NEGOTIATIONS" WITH "CONSULTATIONS" BUT HE AND
YAVUZALP OBJECTED FIRMLY AND AT GREAT LENGTH TO INCLUSION
OF PHRASE "SUBJECT TO NECESSARY AUTHORIZATIONS AND
APPROPRIATIONS" WITH RESPECT TO FUTURE PROGRAMS. GIST
OF THEIR ARGUMENT WAS THAT IT WAS THIS LANGUAGE IN
1969 DEFENSE COOPERATION AGREEMENT THAT PERMITTED
USG TO CLAIM THAT DESPITE CONGRESSIONAL ARMS EMBARGO, IT WAS IN
COMPLIANCE WITH DCA AND THAT ACCEPTANCE OF SAME
CLAUSE IN NEW AGREEMENT WOULD THEREFORE DRAW HEAVY
POLITICAL FIRE. MY POINTING TO ABSENCE OF THIS PHRASE IN THE
PARAGRAPH COVERING
THE FIRST FIVE-YEAR PERIOD (IN CONTRAST TO
SPANISH AGREEMENT) AND TO OUR WILLINGNESS TO HANDLE
SUBSEQUENT FIVE-YEAR PERIODS IN AMENDMENT TO THIS
AGREEMENT OR EXCHANGE OF NOTES DID NOT RPT NOT SWAY
THEM. MY SUGGESTION OF LANGUAGE INDICATING THAT
PROGRAMS WOULD BE SUBJECT TO THE LEGAL REQUIREMENTS OF
BOTH PARTIES WAS ALSO REJECTED. WHEN I EXPRESSED
DISMAY OVER TURKS' FAILURE TO UNDERSTAND AND TO HELP
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SATISFY AN ESSENTIAL LEGAL REQUIREMENT FOR A PHRASE
OF THIS SORT, ELEKDAG FINALLY PROPOSED THAT FIRST PART
OF TURKISH PARAGRAPH 3 BE CHANGED TO READ AS FOLLOWS:
"THE PARTIES SHALL ENTER INTO CONSULTATIONS ONE YEAR
BEFORE THE EXPIRATION OF THE (TURKISH: THREE-63-4)
(U.S.: FIVE-YEAR) VALIDITY PERIOD OF THIS AGREEMENT
IN ORDER TO DEVELOP ASSISTANCE PROGRAMS REQUIRED FOR
ANY SUBSEQUENT (TURKISH:THREE-YEAR) (U.S.:FIVE-63-4)
PERIODS IN ACCORDANCE WITH THEIR RESPECTIVE LEGAL
PROCEDURES. IN THE EVENT SUCH CONSULTATIONS FAIL TO
PRODUCE AGREEMENT WITH RESPECT TO ANY SUCH SUBSEQUENT
PROGRAMS OR IN THE EVENT SUCH AN AGREEMENT CANNOT BE
IMPLEMENTED, UPON COMPLETION OF THE PROGRAM DESCRIBED
IN PARAGRAPH 2 OF THIS ARTICLE..." REST OF PARAGRAPH
WOULD READ AS IS. I EXPRESSED DISAPPOINTMENT WITH

TURKISH UNWILLINGNESS TO ACCEPT OUR LANGUAGE, BUT AGREED TO SEEK WASHINGTON'S COMMENTS ON THEIR COUNTERPROPOSAL. COMMENT: IF THIS FORMULATION IS INADEQUATE TO MEET OUR LEGAL NEEDS, I WOULD APPRECIATE RECEIVING SOONEST ANY ALTERNATIVE PROPOSALS WASHINGTON MIGHT DEVELOP ALONG THIS LINE.

7. WHEN I MADE ARGUMENTS PROVIDED REF A ON NEED TO TIE DURATION OF THE AGREEMENT TO THE NORTH WOLANTIC TREATY, ELEKDAG AT FIRST VERY RELUCTANT, EVENTUALLY SUGGESTED THAT U.S. NEEDS MIGHT BE MET BY ADDING NEW PARAGRAPH TO THE PREAMBLE READING: "EXPRESSING THEIR WILLINGNESS TO CONTINUE THEIR BILATERAL DEFENSE COOPERATION SO LONG AS THEY ARE BOUND BY THE NORTH ATLANTIC TREATY." THIS WOULD APPEAR AS SIXTH PARAGRAPH IN PREAMBLE. DURATION ARTICLE ALREADY CONTAINED SEVERAL REFERENCES TO TERMINATION AFTER RELATIVELY SHORT NOTIFICATION, ELEKDAG ARGUED, AND TYING COOPERATION TO LIFE OF NORTH ATLANTIC TREATY IN THAT ARTICLE WAS THEREFORE LESS EFFECTIVE FROM OUR POINT OF VIEW THAN IN PREAMBEL. COMMENT: THIS SEEMS TO US TO BE AN INTERESTING SUGGESTION. WE WOULD APPRECIATE WASHINGTON'S COMMENTS.

8. WE DECIDED TO DEFER FURTHER DISCUSSION OF DURATION, NOTIFICATION, AND WITHDRAWAL TERMS FOR TOMORROW'S MEETING, FOR WHICH WE WILL DRAW UP A COMPARATIVE CHART
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OF EACH PARTY'S PROPOSALS.

9. WE TOLD ELEKDAG THAT WE THOUGH OUR CONCERNS WITH TURKISH PARA SIX ARTICLE XXII (OTHER THAN LENTH OF WITHDRAWAL PERIOD) MIGHT BE MET BY OMISSION OF WORD "ONLY" FROM LAST SENTENCE. ELEKDAG AGREED TO THIS CHANGE. UNLESS WASHINGTON PERCEIVES OBJECTIONS, WE WILL ACCEPT TURKISH PARAGRAPH NINE WITH WITHDRAWAL PERIOD IN BRACKETS.

10. IN TODAYS'S MEETING ELEKDAG, AT MY REQUEST,DEFERRED FURTHER CONSIDERATION OF LANGUAGE WE HAD BEEN ABLE TO WORK OUT TOGETHER IN LAST FRIDAY'S MEETING TO REFOLVE OUR DIFFERENCES IN THE AREAS OF COMMAND AND CONTROL AND CONSULTATIONS. I WOULD BE MOST GRATEFUL IF WASHINGTON COULD PROVIDE ME INSTRUCTIONS ON THIS ARTICLES BEFORE TOMORROW'S MEETING WHICH WILL PERMIT US TO MOVE THEM INTO THE AGREED CATEGORY.
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